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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,455	03/29/2002	Klaus Beck	2101.GLE.PT	2537
7590	08/26/2004		EXAMINER	
Morris O'Bryant Compagni, PC 136 South Main Street, Suite 700 Salt Lake City, UT 84101			BRITTAINE, JAMES R	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/018,455	BECK ET AL.
	Examiner James R. Brittain	Art Unit 3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11 May 2004.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 15-49 is/are pending in the application.
- 4a) Of the above claim(s) 16-19,22,24,30,31,35,37-41,43,47 and 49 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 15,20,21,25-29,32,34,36 and 44-46 is/are rejected.
- 7) Claim(s) 23,33,42 and 48 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

### ***Election/Restriction***

Claims 16-19, 22, 24, 30, 31, 35, 37-41, 43, 47 and 49 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 12. Upon allowance of a generic or linking claim, the rejoinder of the withdrawn claims is possible.

### ***Allowable Subject Matter***

The indicated allowability of claims 28 and 29 is withdrawn in view of the newly re-evaluated reference(s) to DE G9114045.5. Rejection(s) based on the newly cited reference(s) follow.

Claims 23, 33, 42, and 48 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 44 and 45 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 44, this claim and claim 45, which depends therefrom, are incomplete because the dependence in claim 44 has been left out and many terms lack clear antecedent basis. It is assumed that claim 44 depends from claim 34.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15, 20, 21, 25-29, 32, 34, 36, and 44-46 are rejected under 35 U.S.C. §103(a) as being unpatentable over Wakayoshi (GB 2139692) in view of DE G9114045.5.

Wakayoshi (figures 4, 6-11, 14) teaches a screw connection for at least two hinge parts, comprising a screw configured for interconnecting the at least two hinge parts, wherein the hinge parts engage one inside the other and have an upper hinge lobe 1, a lower hinge lobe 1', and at least one middle hinge lobe 2, the screw having a screw head 6 and a screw shank 7 that extends through a first through opening in the upper hinge lobe and extends through a second through opening in the middle hinge lobe, with a thread permitting the screw shank to be screwed into the lower hinge lobe, and comprising a sleeve 4 that surrounds the screw shank, has elastic properties, and interacts with the upper and middle hinge lobes when the screw is in a screwed-in state, whereby the diameter of the second through opening is less than or equal to the diameter of the first through opening, and the screw has at least one bearing surface for contacting the sleeve. The difference is that the screw shank lacks having an annular collar that, in the screwed-in state is situated in the middle hinge lobe, the annular collar providing the at least one engaging surface

to retain and support the sleeve there against. However, DE G9114045.5 (figures 1, 2) teaches a similar screw fastener functional inherently as a hinge wherein the sleeve 12 is held against an engaging surface formed by the annular collar 11 so as to retain and support the sleeve there against. The sleeve only extends through the portion 1 that could rotate and is analogous to the middle lobe of Wakayoshi. The annular collar 11 maintains the sleeve upon the screw shaft. As it would be advantageous to structure of Wakayoshi to be assured that the sleeve would remain assembled on the screw shaft, it would have been obvious to modify the hinge of Wakayoshi so that there is an annular collar to support and engage the sleeve and to position the annular collar at the middle lobe in the tightened state as suggested by DE G9114045.5.

In regard to claim 20, the annular collar 11 of DE G9114045.5 when positioned as indicated above would inherently provide some guidance for the screw.

As to claim 21, the sleeve 12 of DE G9114045.5 covers the engaging and supporting surface of the annular collar 11.

In regard to claim 25, the sleeve 12 of DE G9114045.5 engages the underside of the screw head, as does the sleeve of Wakayoshi.

As to claim 26, the diameter of the screw head as taught by Wakayoshi is less than the diameter of the first through opening (figure 9).

In regard to claim 27, the sleeve material of the fastener of Wakayoshi is pressed into the annular space between the screw shank and the second through opening.

As to claim 28, Wakayoshi suggests the sleeve material is pressed between a cylindrical projection forming the first part of the screw shank 7 extending from the underside of the screw head and the first through opening.

In regard to claim 29, DE G9114045.5 suggests a longitudinally extending structure 9 in the screw that would inhibit rotation of the sleeve 12, a desirable result applicable to the fastener of Wakayoshi.

As to claim 32, the second through opening taught by Wakayoshi is annular.

In regard to claim 34, the limitations are similar to those of claim 15 and are rejected on the same basis as indicated above.

As to claim 36, the sleeve of Wakayoshi engages a longitudinal section formed in the first through opening in the form of the surface of the through opening.

In regard to claim 44, the sleeve 12 of DE G9114045.5 engages the underside of the screw head, as does the sleeve of Wakayoshi.

As to claim 45, the diameter of the screw head as taught by Wakayoshi is less than the diameter of the first through opening (figure 9).

In regard to claim 46, the sleeve material of the fastener of Wakayoshi is pressed into the annular space between the screw shank and the second through opening.

#### ***Response to Arguments***

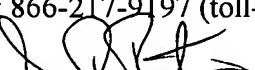
Applicant's arguments have been fully considered but are rendered moot in view of the new ground of rejection.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is (703) 308-2222. The examiner can normally be reached on M-F 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (703) 306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James R. Brittain  
Primary Examiner  
Art Unit 3677

JRB